

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILE

05 APR 22 PM 3:20

ROBERT R. DI CHIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

FEDERAL EXPRESS CORPORATION,

Plaintiff,

v.

ACCU-SORT SYSTEMS, INC.,

Defendant.

Civil No. 01-2503 Ma/P

ORDER GRANTING ACCU-SORT SYSTEMS, INC.'S MOTION TO
MODIFY STIPULATED PROTECTIVE ORDER AND COMPEL
RESPONSES FROM PLAINTIFF IN DEPOSITION CONDUCTED PURSUANT
TO RULE 30(b)(6) AND REQUEST FOR EXPEDITED HEARING

Before the court is Accu-Sort Systems, Inc.'s Motion to Modify Stipulated Protective Order and Compel Responses from Plaintiff in Deposition Conducted Pursuant to Rule 30(b)(6), filed April 4, 2005 (dkt #515). On April 19, 2005, plaintiff Federal Express ("Fed Ex") filed its response. On April 22, 2005, the court held a hearing on the motion. Counsel for all parties, including counsel for non-party United Parcel Service ("UPS"), were present and heard. At the hearing, the court concluded that, although Accu-Sort could have and should have filed the motion in a more timely manner, the motion was well-taken and should be granted. The court ordered as follows:


1. Counsel for Fed Ex shall provide Accu-Sort and UPS with

- (1) a list of AEO documents that Fed Ex intends to show its Rule 30(b)(6) designee(s) in preparation for his or her deposition; and
- (2) an affidavit setting forth the identity and position the designee(s) holds within Fed Ex, including what if any relationship the designee may have with the "business component" of Fed Ex. It is expected that the designee(s) will be someone who holds a technical (as opposed to business) position within Fed Ex. These lists shall be provided to Accu-Sort and UPS by no later than May 4, 2005.

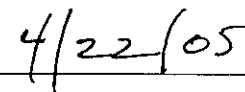
2. By no later than May 11, 2005, Accu-Sort and UPS shall review the AEO documents identified by Fed Ex and immediately inform Fed Ex what, if any, objections they may have to allowing Fed Ex's designee(s) to review the AEO documents.

3. The Rule 30(b)(6) deposition shall be completed by May 20, 2005. Any objections made by Accu-Sort and UPS shall immediately be brought to the attention of this Magistrate Judge.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge



Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 523 in case 2:01-CV-02503 was distributed by fax, mail, or direct printing on April 26, 2005 to the parties listed.

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Honorable Samuel Mays
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